

## **Tollefson, Gene - CILR-4**

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**From:** Mautner, Paul F - LC-7  
**Sent:** Wednesday, September 25, 2002 4:17 PM  
**To:** Tollefson, Gene - CILR-4  
**Cc:** Jacobson, Carol L - LC-7; Van Buren, Marybeth - LP; Majkut, Paul S - LC-7  
**Subject:** Tenaska FOIA

Gene:

There seems to be some confusion about this FOIA. I hope this email clears it up. If not, give me or Carol a call.

In response to the original FOIA request, Carol drafted a letter, signed by Tim Johnson, asking for clarification of the scope of the request. Tim received a call from Allen Payne "clarifying" the original request as asking for briefs in the Tenaska case. However, it was still unclear whether he wanted all briefs, or just those on the "issue" of mutual mistake. This "clarification" was far different than the original request.

I then called Allen Payne and left him a detailed voice message, asking whether he ONLY wanted legal briefs on that one issue, and informing him that most of the files had been destroyed a number of years ago (including the briefs, as far as I know). All that remains is the record of decision, and a few internal files that are privileged. I am waiting for him to call me back.

I therefore see this request as still in the clarification stage. We can't ask for an extension of time because we don't know exactly what Payne wants, and I don't want to waste resources figuring out his true intent. After all, his original request was very different than what I think (but am not sure) he wants now. Once we get a clarification, we can do the due diligence search for any possible documents that may be responsive.

Paul